



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting Advisory Board/Commission Applicant Interviews

July 8, 2014

### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 5:45 p.m. in the Babcock Room.

**MEMBERS PRESENT:** Debbie Goettel, Mayor; Suzanne Sandahl; Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

### INTERVIEW OF APPLICANTS

The City Council conducted an interview of the following applicant for appointment to a City Advisory Board and Commission:

Katie Eagle

### ADJOURNMENT

The meeting was adjourned by unanimous consent at 5:55 p.m.

Date Approved: July 22, 2014.

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Debbie Goettel  
Mayor

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Theresa Schyma  
Deputy City Clerk

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Steven L. Devich  
City Manager



# CITY COUNCIL MINUTES

Richfield, Minnesota

## Special City Council Worksession

July 8, 2014

### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:00 p.m. in the Bartholomew Room.

*Council Members Present:* Debbie Goettel, Mayor; Sue Sandahl, Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Kristin Asher, Assistant Public Works Director; Chris Link, Operations Superintendent; Robert Hintgen, Utilities Superintendent; Jeff Pearson, Transportation Engineer; Nancy Gibbs, City Clerk; and Theresa Schyma, Deputy City Clerk.

Item # 1	<b>DISCUSSION REGARDING THE 5-YEAR RECONSTRUCTION PLAN AND STREETScape MAINTENANCE POLICY (COUNCIL MEMO NO. 63)</b>
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Public Works Director Eastling stated that tonight's worksession is to present information to the City Council regarding the 5-Year Street Reconstruction Plan (2015-2019) and the Streetscape Maintenance Policy.

Assistant Public Works Director Asher discussed the following:

- Funding and timing for the proposed Five Year Street Reconstruction Plan
  - Residential Mill & Overlay (2015-2020)
  - 69<sup>th</sup> Street Reconstruction (2015)
  - Portland Avenue (2015)
  - 76<sup>th</sup> Street West (2016)
  - 66<sup>th</sup> Street (2016-2017)
  - 65<sup>th</sup> Street Central (2017)
  - Nicollet Avenue (2019)

Operations Superintendent Link discussed the following:

- Council guidance for the Visual Quality Guidelines Committee that will be developing streetscape guidelines for the major roadways, including Portland Avenue and 66<sup>th</sup> Street through Richfield.
  - Direction needed as to what the committee should put a reasonable effort into factoring in to long term maintenance costs. Items to consider include traffic

- control devices, overhead utilities, underground utilities, landscaping, lighting, public art, structures, landforms, paved surfaces, transit facilities and pedestrian amenities.
- Council guidance regarding the City's current maintenance districts and the plan for those going forward in light of the Visual Quality Guideline development.
  - Staff recommendation to eliminate the LHN Maintenance District in 2016.

Public Works Director Eastling stated that the pros and cons will be thoroughly discussed regarding potential elimination of the LHN District and that the City Council will have one more year before a decision needs to be made.

Mayor Goettel allowed David Gepner, 6845 Penn Avenue, Penn Central of Richfield, to address the City Council. He is asking the City Council for help in coming up with a plan to improve the Penn Avenue business district.

Council Member Elliott stated that there needs to be more cooperation with many of the business owners on Penn Avenue.

<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 6:58 p.m.

Date Approved: July 22, 2014

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Debbie Goettel  
Mayor

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Theresa Schyma  
Deputy City Clerk

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Meeting

July 8, 2014

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m.

*Members Present:* Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Jim Topitzhofer, Recreation Services Director; Jay Henthorne, Acting Public Safety Director; John Stark, Community Development Director; Nancy Gibbs, City Clerk; Mary Tietjen, City Attorney; and Theresa Schyma, Deputy City Clerk.

Mayor Goettel stated that five of the six speakers that registered for the Open Forum wanted to speak about the proposed band shell in Veterans Memorial Park which is an item on the agenda. Mayor Goettel asked the City Council if they would like to hear from these speakers. The City Council consensus was to hear their comments.

#### OPEN FORUM

Susan Rosenberg, 6633 Thomas Avenue, announced the Richfield Beautiful Garden Tour on July 12.

Birgit Johnson, 6332 – 13<sup>th</sup> Avenue South, spoke in opposition to the proposed band shell in Veterans Memorial Park.

Patricia Taylor, 6128 – 15<sup>th</sup> Avenue South, spoke in opposition to the proposed band shell in Veterans Memorial Park.

Carol Propotnik, 6400 – 11<sup>th</sup> Avenue South, spoke in opposition to the proposed band shell in Veterans Memorial Park.

Kathy Kline, 6312 Portland Avenue, spoke in opposition to the proposed band shell in Veterans Memorial Park.

Angela Gunta, 6610 Columbus Avenue, spoke in opposition to the proposed band shell in Veterans Memorial Park.

#### PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

M/Fitzhenry, S/Garcia to approve the minutes of the (1) Special City Council Worksession of June 24, 2014 and (2) Regular City Council Meeting of June 24, 2014.

Motion carried 5-0.

<b>Item #1</b>	<b>ANNUAL MEETING WITH THE CHARTER COMMISSION</b>
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Marty Kirsch, Charter Commission President, presented the annual report.

<b>Item #2</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"><li>Hats Off to Hometown Hits</li></ul>
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Mayor Goettel announced that the City received a Certificate of Sustainability for recognition of the City's recycling efforts.

The City Council discussed the successful July 4 events and acknowledged the efforts of the Fourth of July Committee.

Acting Public Safety Director Henthorne reported there were very few calls for service during the July 4 events. He stated that he heard many comments from residents that they liked the change of not having the carnival so that it was more of a family-friendly event.

Council Member Garcia announced the passing of Leroy "Oz" Mullerleile and noted his positive impact on the youth in Richfield.

Council Member Sandahl announced the August 7 Urban Wildland Half Marathon.

<b>Item #3</b>	<b>COUNCIL APPROVAL OF AGENDA</b>
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M/Fitzhenry, S/Sandahl to approve the agenda.

Motion carried 5-0.

<b>Item #4</b>	<b>CONSENT CALENDAR</b>
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- A. Consideration of the approval of a resolution authorizing Chapter 240, Section 22 of the Laws of MN 2014 regarding sale of liquor at the Richfield Ice Arena S.R. No. 116

RESOLUTION NO. 10947

RESOLUTION APPROVING THE PROVISIONS OF THE LAWS OF 2014, CHAPTER 240  
AUTHORIZING THE ISSUANCE OF ON-SALE WINE AND ON-SALE MALT LIQUOR  
LICENSE FOR JUNIOR HOCKEY LEAGUE GAMES AT THE RICHFIELD ICE ARENA

This resolution appears as Resolution No. 10947.

- B. Consideration of the approval of authorizing the Richfield HRA to act as the City's representative to conduct activities related to the demolition and environmental abatement of the former City Garage site S.R. No. 117
- C. Consideration of the approval of a resolution appointing election judges for the August 12, 2014 Primary Election and the November 4, 2014 General Election S.R. No. 118

#### RESOLUTION NO. 10948

#### RESOLUTION APPOINTING ELECTION JUDGES FOR THE STATE PRIMARY ELECTION OF AUGUST 12, 2014 AND THE GENERAL ELECTION OF NOVEMBER 4, 2014

This resolution appears as Resolution No. 10948.

- D. Consideration of the approval of contract change order #3 for the Richfield Ice Arena for 2013 Locker Room Addition Project in the amount of \$4,092 S.R. No. 119

M/Goettel, S/Garcia to approve the Consent Calendar.

Motion carried 5-0.

<b>Item #5</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b>
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None.

<b>Item #6</b>	<b>PUBLIC HEARING TO CONSIDER AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO REQUIRE THE INSTALLATION OF AN ODOR CONTROL SYSTEM AS A CONDITION FOR ALLOWING CERTAIN COMMERCIAL COOKING EQUIPMENT AT 6722 PENN AVENUE S.R. NO. 120</b>
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Council Member Elliott presented Staff Report No. 120.

Yi Li You, Executive Director of the Chinese Social Service Center, reiterated her position that there will not be overuse of the commercial cooking equipment. She stated that cooking will only take place on weekdays for 2 hours for a maximum of 29 people.

William Moline, speaking on behalf of the landlord at 6722 Penn Avenue, stated that this is a scaled down version of the original plan and will be for internal cooking only. He continued that the landlord would not be opposed to further conditions or a Conditional Use Permit that would help the City monitor that the equipment is only being used for the purposes on this current plan.

M/Elliott, S/Garcia to close public hearing.

Motion carried 5-0.

M/Elliott, S/Garcia to deny an appeal of the Community Development Director's decision to require the installation of an odor control system as a condition for allowing certain commercial cooking equipment at 6722 Penn Avenue.

Council Member Elliott stated he has concerns regarding a "one size fits all" approach to businesses. He believes it is important for businesses to be able to make improvements and renovations to remain competitive and that the City shouldn't arbitrarily deny these requests.

Community Development Director Stark stated that the decision to require odor control isn't due to what they are doing but instead for the equipment they are installing. This denial was tied to the equipment, not the user or intended use.

City Manager Devich stated that he does remember many neighborhoods being upset by odors coming from restaurants. He further stated that if this accommodation is made then it sets a precedent that would make it difficult to deny a future applicant's request in the same setting. He continued that he understands there is a balance between encouraging businesses to make improvements and understanding the concerns of neighbors. He further reminded the City Council that the City does not have authority if, in the future, they decided to alter their plans.

Community Development Director Stark indicated that this is a commercial range that does require outside venting. He stated that odor control is expensive and that currently there aren't less expensive options. He further stated that it is the goal of City staff to enforce the policies that the City Council sets and they need consistency for enforcement. He mentioned that it is always possible for the City Council to decide to make changes to this policy.

Council Member Fitzhenry asked if there was a way to tie conditions to the equipment and its use.

Community Development Director Stark stated that currently they do not believe that it would be considered a Conditional Use Permit issue.

City Attorney Tietjen agreed with Community Development Director Stark but mentioned that they could explore other options. She reiterated that the concern of staff is the issues of consistency and enforcement.

Council Member Elliott believes it is best to table this item and explore other options for this business. He stated that he believes the City Council should take a look at the ordinance to see if changes should be made.

Mayor Goettel asked how long staff would need to review other options.

Community Development Director Stark stated staff would need a maximum of 30 days.

The City Council consensus was to table this item pending staff review.

M/Elliott, S/Goettel to withdraw the original motion.

Motion carried 5-0.

M/Elliott, S/Goettel to table the item pending staff review.

Council Member Garcia offered a friendly amendment to table the item for a minimum of 30 days to ensure the item is ready by the August 26 City Council Meeting.

M/Garcia, S/Goettel to approve a friendly amendment so that the motion is to table the item pending staff review for a minimum of 30 days.

Motion carried 5-0. (friendly amendment)

Motion carried 5-0. (motion with friendly amendment)

<b>Item #7</b>	<b>CONSIDERATION OF A REQUEST FOR ADDITIONAL CITY FUNDING OF THE RICHFIELD COMMUNITY BAND SHELL IN THE AMOUNT OF \$75,000 S.R. NO. 121</b>
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Council Member Sandahl presented Staff Report No. 121.

Rick Jabs, Chair of the Band Shell Task Force, presented a status report of the Task Force's progress with planning the design of an outdoor performance facility and fundraising efforts. After conducting the initial fundraising task over the past few months, the group has secured about \$75,000 in pledges. In doing so, the Task Force has reconsidered its estimate of fundraising proceeds and has revised the total project budget to \$400,000.

M/Sandahl, S/Garcia to approve additional City funding of the Richfield Community Band Shell in the amount of \$75,000.

Council Member Elliott stated he has a hard time approving an additional \$75,000 until he sees a deeper commitment from the community, not just those that are opposed to the band shell but those that are neutral and also supportive of this project.

Council Member Garcia stated that it is difficult to raise funds but she believes once the band shell is built that more funds will be raised when residents are able to enjoy the benefits.

Council Member Sandahl concurred with Council Member Garcia. She also stated that she appreciates the effort to save green space but a very small portion of green space would be lost but the band shell would be enjoyed by the entire community.

Council Member Fitzhenry stated that he cannot support this request due to potential neighborhood noise and the band shell would be under an airport departure runway.

Council Member Elliott questioned why the Band Shell Task Force would continue to raise funds if the entire \$400,000 budget would be secured tonight.

Council Member Sandahl responded that they would continue to raise funds for other amenities that would benefit the band shell. She further stated that Veterans Park is a community park and the proposed band shell at Lyndale Gardens could not accommodate events such as the 4<sup>th</sup> of July. She continued that Lyndale Gardens is actually closer to residential housing than the proposed band shell at Veterans Park.

Mayor Goettel stated that this has been a long vetting process and the reason why Veterans Park was chosen was due to parking, restroom, and capacity issues at other proposed sites. She further stated that they had discussions with those involved with the Lake Harriet band shell since they have similar surroundings and those surroundings have not been impacted. She continued that she would like to see this project go further as it is part of a 20-year plan.

Motion carried 3-2. (Elliott and Fitzhenry opposed)

<b>Item #8</b>	<b>CONSIDERATION OF AN AGREEMENT WITH BENTZ/THOMPSON/RIETOW, INC. TO PERFORM PROFESSIONAL SERVICES FOR THE CONCEPT DESIGN OF A COMMUNITY BAND SHELL IN THE AMOUNT OF \$18,000 S.R. NO. 122</b>
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Council Member Garcia presented Staff Report No. 122.

M/Goettel; S/Sandahl to approve an agreement with Bentz/Thompson/Rietow, Inc. to perform professional services for the concept design of a community band shell in the amount of \$18,000.

Mayor Goettel asked a representative from Bentz/Thompson/Rietow, Inc. to speak about the design, acoustics, and residential disturbances.

Ann Voda, Bentz/Thompson/Rietow, Inc., stated that they have gone through the acoustical issues of other band shells and they do have the means of mitigating the noise.

Motion carried 3-2. (Elliott and Fitzhenry opposed)

<b>Item #9</b>	<b>CONSIDERATION OF AN APPOINTMENT TO A CITY ADVISORY COMMISSION S.R. NO. 123</b>
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Council Member Fitzhenry presented Staff Report No. 123.

M/Fitzhenry, S/Goettel to appoint the following person to a City Advisory Commission:

**HUMAN RIGHTS COMMISSION**

Name  
Katie Eagle

Term Expires  
January 31, 2017

Motion carried 5-0.

<b>Item #10</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Devich stated that he wants to have a discussion with the City Council and Public Safety Department regarding the conduct of some individuals at City Council meetings.

<b>Item #11</b>	<b>CLAIMS AND PAYROLLS</b>
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M/Fitzhenry, S/Sandahl that the following claims and payrolls be approved:

<b>U.S. Bank</b>		<b>07/08/14</b>
A/P Checks: 232420-232773	\$	937,785.00
Payroll: 102497-102863	\$	596,714.62
TOTAL	\$	1,534,499.62

Motion carried 5-0.

**OPEN FORUM**

None.

**ADJOURNMENT**

The City Council meeting was adjourned by unanimous consent at 8:23 p.m.

Date Approved: July 22, 2014

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Debbie Goettel  
Mayor

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Theresa Schyma  
Deputy City Clerk

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Steven L. Devich  
City Manager